

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, June 23, 2011
Regular Meeting – 6:30 p.m.

EARL MCDANIEL
Chairperson

CHARLES UNSWORTH
Vice Chairperson

FRED AMERI
BARRY EATON
ROBERT HAWKINS
BRADLEY HILLGREN
MICHAEL TOERGE

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

JAMES CAMPBELL, Principal Planner

LEONIE MULVIHILL, Assistant City Attorney

GREGG RAMIREZ, Senior Planner

TONY BRINE, City Traffic Engineer

MARLENE BURNS, Administrative Assistant

JAIME MURILLO, Associate Planner

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, June 23, 2011
REGULAR MEETING
6:30 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. RECOGNITION OF CHAIRPERSON EARL MCDANIEL AND COMMISSIONER BARRY EATON FOR THEIR DEDICATION AND YEARS OF SERVICE ON THE PLANNING COMMISSION.**
- E. PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- F. REQUEST FOR CONTINUANCES**
- G. CONSENT ITEMS**

ITEM NO. 1 Minutes of June 9, 2011

ACTION: Approve and file.

- H. PUBLIC HEARING ITEMS**

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

- ITEM NO. 2** Mariner's Pointe - (PA2010-114)
100 – 300 West Coast Highway
- General Plan Amendment No. GP2010-009
 - Code Amendment No. CA2010-009
 - Site Development Review No. SR2010-001
 - Conditional Use Permit No. UP2010-024
 - Variance No. VA 2010-004
 - Parcel Map No. NP2010-008
 - Traffic Study No. TS2011-001

SUMMARY: The applicant is seeking a General Plan Amendment (GPA) to accommodate the development of a 23,015-square-foot, two-story commercial building and a three-story parking structure. The following applications are requested or required in order to implement the project as proposed:

1. An amendment to the Land Use Element of the General Plan to increase the allowable floor area for the project site from 16,518 square feet (0.5 FAR) to a maximum development limit of 23,015 square feet (approx. 0.7 FAR);
2. An amendment to the Zoning Map of the Zoning Code to increase the allowable floor area limitation for the project site from 0.3/0.5 FAR to a maximum development limit of 23,015 square feet (approx. 0.7 FAR);
3. A site development review to allow the construction of a 23,015-square-foot, two-story building and a three-story parking structure that will exceed the 31-foot base height limit with a maximum height of 40 feet;
4. A conditional use permit to allow for the construction of a parking structure adjacent to a residential zoning district, to modify the off-street parking requirements, allow for the use of off-site parking, and to establish a parking management plan for the site;
5. A variance to allow the commercial building and parking structure to encroach five feet into the five-foot rear yard setback;
6. A parcel map to consolidate six lots into one parcel; and
7. A traffic study pursuant to the City's Traffic Phasing Ordinance.

CEQA

COMPLIANCE:

A Mitigated Negative Declaration has been prepared by the City of Newport Beach in connection with the application noted above. The Mitigated Negative Declaration states that, the subject development will not result in a significant effect on the environment. It is the present intention of the City to accept the Mitigated Negative Declaration and supporting documents.

ACTION:

- 1) Conduct public hearing; and
- 2) Adopt Resolution No. ____ recommending that the City Council:
 - a. Adopt the Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program; and
 - b. Find that, based on the weight of the evidence in the administrative record, including Traffic Study No. TS2011-001, that the Project complies with the Traffic Phasing Ordinance; and
 - c. Approve General Plan Amendment No. GP2010-009, Code Amendment No. CA2010-009, Site Development Review No. SR2010-001, Conditional Use Permit No. 2010-024, Variance No. 2010-004, and Parcel Map No. 2010-008, subject to findings and conditions

I. NEW BUSINESS

J. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Community Development Director's report.

- ITEM NO. 7** Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.
- ITEM NO. 8** Request for excused absences.
- ADJOURNMENT**